

REMARKS

Applicant has amended claims 1 and 4 and added new claims 7-14 to more particularly point out and distinctly claim the subject matter which he regards as his own invention. Support for the amendment to claim 1 appears in original claim 6. This amendment has also necessitated an amendment to claim 6. Support for the amendment to claim 4 appears in the specification, page 5, paragraph [40] and support for new claims 7-14 can be found in the specification, page 3, paragraph [18]. No new matter has been introduced by the above amendments.

Upon entry of the above amendments, claims 1, 3, 4, and 6-14 are pending. Applicant respectfully requests reconsideration of this application, as amended, in view of the following remarks.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1, 3, 4, and 6 as unpatentable over Korean Application Publication 1020030093057 (“Yu”) in view of Kaiser, U.S. Patent No. 4,572,815 (“Kaiser”) or in further view of Perlus et al., U.S. Patent No. 3,840,388 (“Perlus”). See the Office Action, pages 2-3. Claims 1 and 4 are independent and will be discussed first.

Claim 1, as amended, covers a cornstalk board containing cornstalk, silicate, a curing agent, **bromotriallylphosphate**, and a mixture of flame retardants. Claim 4, as amended, covers a method of making a cornstalk board by mixing cornstalk, silicate, a curing agent, and **bromotriallylphosphate**, and molding the mixture under unique conditions. Both claims 1 and 4 require **bromotriallylphosphate**.

According to the Examiner, Yu discloses a lignocellulosic composition that includes cornstalk, a curing agent, and a binder; Kaiser teaches using sodium silicate as a binder in a lignocellulosic composition; and Perlus teaches using a mixture of flame retardants in a lignocellulosic composition. See the Office Action, pages 2-3. However, nowhere in any of the three references does it teach or suggest **bromotriallylphosphate** as

required by amended claims 1 and 4. Therefore, Yu, Kaiser, and Perlus, taken alone, or in combination, do not render these two claims unpatentable.

Claims 3 and 6, depending from claim 1, also require **bromotriallylphosphate**. For at least the same reason set forth above, these two claims are also patentable over Yu, Kaiser, and Perlus, taken alone or in combination.

New claims

New claims 7-14 directly or indirectly depend from claim 1. They all require **bromotriallylphosphate**. Therefore, in view of the reason set forth above, these new claims are patentable over Yu, Kaiser, and Perlus.

CONCLUSION

In view of the above remarks, Applicant submits that the ground for rejection asserted by the Examiner has been overcome, and that claims 1, 3, 4, and 6-14, as pending, define subject matter that is nonobvious over the prior art. Allowance of these claims is respectfully solicited.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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No fee is believed due. Please apply any other charges or credits to Deposit Account No. 50-4189, referencing Attorney Docket No. 45401-003US1.

Respectfully submitted,

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